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JEFFRY BUTLER (State Bar No. 180936)
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Attorneys for Defendant
ALLSTATE INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEPHEN M. HOHS,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY
and DOES 1 through 100, inclusive,

Defendants.

No. C 08-02177 JW

**NOTICE TO PLAINTIFF THAT
ACTION HAS BEEN REMOVED TO
FEDERAL COURT**

TO PLAINTIFF AND HIS ATTORNEY OF RECORD:

NOTICE IS HEREBY GIVEN that, pursuant to 28 U.S.C. sections 1332, 1441(a), and 1446, this action has been removed to the United States District Court for the Northern District of California. Copies of the Notice Of Removal Of Civil Action filed in the District Court and the Notice That Action Has Been Removed filed in the Superior Court of California for County of Santa Clara are attached (without their exhibits) as Exhibit 1.

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1 All further proceedings in this action shall take place before the United States District
2 Court for the Northern District of California.

3 Dated: April 30, 2008

SONNENSCHN NATH & ROSENTHAL LLP

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5 By /s/ MICHELLE BRADLEY
6 MICHELLE BRADLEY

7 Attorneys for Defendant
8 ALLSTATE INSURANCE COMPANY
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EXHIBIT 1

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FILED

08 APR 28 PM 2: 12

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA S.J.

CYNTHIA L. MELLEMA (State Bar No. 122798)
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Attorneys for Defendant
ALLSTATE INSURANCE COMPANY

E-FILING

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEPHEN M. HOHS,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY
and DOES 1 through 100, inclusive,

Defendants.

C 08 02177

NOTICE OF REMOVAL OF A CIVIL
ACTION

BY FAX

JW
HRL

SONNENSCHN NATH & ROSENTHAL LLP
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Walnut Creek, California 94596
(925) 949-2600

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HIS ATTORNEYS
OF RECORD:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. section 1441(a), defendant Allstate
Insurance Company hereby removes to this Court the action described herein and respectfully
submits the following statement of grounds for removal:

THE SUPERIOR COURT ACTION

1. On March 11, 2008, plaintiff Stephen Hohns filed an action in the Superior Court of
the State of California for the County of Santa Clara entitled "*Hohns v. Allstate Insurance*"

1 *Company, et al.,*” Case No. 108CV107836 (the “Superior Court Action”).

2 2. In the Superior Court Action, plaintiff seeks damages with respect to Allstate’s
3 handling of a third-party liability lawsuit against plaintiff (the “Underlying Action”).
4 Specifically, plaintiff contends that Allstate failed to provide a timely legal defense, failed to
5 initially provide local legal representation, and settled the Underlying Action for \$150,000,
6 despite its promise not to settle for more than “a couple of thousand dollars.” (Complaint
7 (“Compl.”), ¶¶ 22, 26, 32, 36.) Plaintiff asserts causes of action against Allstate for “breach of
8 written contract, breach of oral contract, bad faith, general negligence, and fraud.”

9 SERVICE

10 3. Plaintiff served the Summons and Complaint in the Superior Court Action on
11 Allstate on or about April 2, 2008. Attached as Exhibit A to this notice are true and correct
12 copies of the Summons, Complaint, Allstate’s Answer (which Allstate filed in the Superior
13 Court on April 25, 2008), and ADR papers, which Allstate believes constitute all pleadings on
14 file in the Superior Court Action.

15 DIVERSITY OF CITIZENSHIP

16 4. Plaintiff was, at the time of filing of the Superior Court Action, now is, and at all
17 relevant times has been, a citizen and resident of the State of California. (Compl. ¶ 1.)
18 Defendant Allstate was, at the time of filing of the Superior Court Action, now is, and at all
19 relevant times has been, a corporation organized and existing under the laws of the State of
20 Illinois, with its principal places of business in the city of Northbrook, Illinois.

21 5. Plaintiff and Allstate, accordingly, are citizens and residents of different states.

22 6. “Doe” defendants must be disregarded in determining diversity of citizenship. 28
23 U.S.C. § 1441(a) (“For purposes of removal under this chapter, the citizenship of defendants
24 sued under fictitious names shall be disregarded.”).

25 AMOUNT IN CONTROVERSY

26 7. Specifically acknowledging the Superior Court Action is removable, plaintiff
27 alleges that, “while the amount sought in damages is unspecified, the amount in controversy will
28 exceed \$75,000.” (Compl. ¶ 46.)

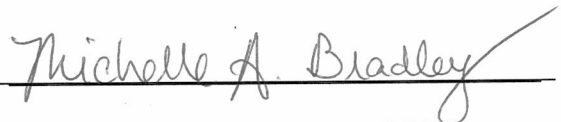
1 8. The Superior Court Action is a civil action of which this Court has original
2 jurisdiction under 28 U.S.C. section 1332, in that plaintiff and Allstate are citizens of different
3 states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4 9. The case is therefore one that Allstate may remove to this Court pursuant to 28
5 U.S.C. sections 1441 and 1446. The removal is effected less than thirty days after service of the
6 Complaint in the Superior Court Action, in accordance with 28 U.S.C. section 1446(b).

7
8 Dated: April 25 2008

SONNENSCHN NATH & ROSENTHAL LLP

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11 By



MICHELLE BRADLEY

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13 Attorneys for Defendant
14 ALLSTATE INSURANCE COMPANY
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Attorneys for Defendant
ALLSTATE INSURANCE COMPANY

ENDORSED

2008 APR 29 P 1:27

NOT TO BE FILED IN THE SUPERIOR COURT
COUNTY OF SANTA CLARA, CALIFORNIA
BY _____
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR COUNTY OF SANTA CLARA

STEPHEN M. HOHS,

Plaintiff,

vs.

ALLSTATE INSURANCE COMPANY
and DOES 1 through 100, inclusive,

Defendants.

No. 108CV107836

NOTICE TO STATE COURT THAT
ACTION HAS BEEN REMOVED TO
FEDERAL COURT

BY FAX

TO THE CLERK OF THE ABOVE COURT:

PLEASE TAKE NOTICE THAT, on April 28, 2008, defendant Allstate Insurance Company removed this action to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. sections 1332, 1441(a), and 1446. A copy of the Notice Of Removal Of Civil Action (without exhibits) is attached to this notice as Exhibit "A."

PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. section 1446(d), filing the Notice Of Removal Of Civil Action in the United States District Court followed by filing

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1 this notice with this Court effected the removal of this action, and this Court may not proceed
2 further unless and until the action is remanded.

3
4 Dated: April 28, 2008

SONNENSCHN NATH & ROSENTHAL LLP

5
6
7 By Michelle A. Bradley

8 MICHELLE BRADLEY

9 Attorneys for Defendant
10 ALLSTATE INSURANCE COMPANY
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